
ARTICLE 8: SPECIAL USE STANDARDS

Section 8.1: General Conditions

In order for any special use to be granted, the applicant, at the hearing, shall present sufficient evidence to enable the Board to find the conditions set out in section 3.6(b) exist, where applicable, and that the specific conditions set out for the specific use below:

Section 8.2: Additional Conditions

The appropriate Board may impose conditions and safeguards in accordance with Section 3.6(c)

Section 8.3: Specific Conditions

In addition to the general conditions, in Section 8.1, special uses shall meet specific conditions for the type of use as indicated in this Section.

8.3.1 Use: Automobile Repair Garage

Requirements:

- (a) No more than three service bays shall be permitted.
- (b) No vehicles except those awaiting immediate repair may be stored in the front yard of the business.
- (c) A landscape buffer in conformance with Section 207 shall be required along any property line abutting residentially zoned property.
- (d) In addition to service vehicles necessary for the operation of business, only vehicles awaiting repair may be stored on site. No inoperable vehicles may be left on site for more than fifteen (15) days. In special circumstances where this provision would pose undue hardship, the Zoning Administrator may grant an extension for vehicle storage of up to fifteen (15) days.
- (e) No partially disassembled vehicles or parts may be stored in view of a public right-of-way.

8.3.2 Use: Multi-family dwellings and townhouses as a special use in R-ID, R-IID, and R&PUD.

Requirements:

- (a) Maximum density shall be two (2) units per net acre for R-ID and three (3) units for R-IID except in R&PUD districts where the requirements of that district shall apply.

- (b) Where more than one (1) building is to be located on the site, building separation shall be determined as follows:

The maximum horizontal distance between the vertical projections of any points on two (2) adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

<u>Height of Taller Building</u>	<u>Minimum Horizontal Distance Between Vertical Projection</u>
20 feet or less	16 feet
between 20.1 and 25.0 feet	25 feet
between 25.1 and 30.0 feet	30 feet
between 30.1 and 35.0 feet	40 feet

- (c) Distance Related to Window. The minimum distance between the centers of facing windows of different dwelling units shall be twenty (20) feet.
- (d) A yard of at least fifty (50) feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking spaces and accessory buildings and uses shall not be allowed in the required yard.
- (e) Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.
- (f) The maximum number of townhouses attached to each other shall be eight (8) per unit.
- (g) The Board may approve the inclusion of leasing offices and of coin operated laundry facilities, swimming pools, snack bars, and similar service uses for residents of the multi-family dwelling or townhouse project provided that they are intended to serve residents of the dwelling project, or complex only, and will not attract outside traffic to the site.
- (h) Recreation space or fees in lieu of dedication shall be provided in accordance with the subdivision regulations of the Town of Rolesville regardless of whether or not the project is a subdivision.

8.3.3 Use: Dish Antennas as provided in Section 5.5

Requirements:

- (a) If compliance with the requirements of Section 5.5 would result in the destruction of the antenna's reception window; and such obstruction involves factors beyond the control of the applicant, the minimum exception needed to prevent the obstruction may

be granted provided that in a watershed or residential district, no such antenna shall be placed in a front yard.

- (b) If a larger antenna than that allowed by this ordinance is needed for business use, the maximum exception needed may be granted.

8.3.4 Use: Golf Driving Ranges as a special use in the C-O district

Requirements:

- (a) No part of the property so used shall be close enough to any adjoining property to create a safety hazard or nuisance to uses which may locate there. Distance, topography, screening, and fencing shall be used in determining what shall be a suitable relationship between the proposed driving range and adjoining property. The board may require fencing, setbacks, vegetation, buffers, or other screening between the use and adjoining properties and streets in addition to the normal setback and buffer requirements in this ordinance.
- (b) Lighting shall be directed away from any residential area or street or shielded to protect them.
- (c) Noise from the activity shall not be a nuisance to residential areas.
- (d) Vehicular access to the site shall be from thoroughfares, not minor residential streets.

8.3.5 Use: Mobile home parks

Requirements:

- (a) Plan approval. Before any lot or parcel of land is to be used as a mobile home park, a certificate of zoning compliance for such use shall be issued based on a development plan for the park with its proposed methods of water supply and sewerage disposal approved by the Wake County Health Department or other appropriate State Agency as may be required by said health department and a site plan reviewed by the Wake Soil and Water Conservation District. The site plan shall be approved by the Rolesville Town Board upon recommendation of the Rolesville Planning Board. The plan shall include among other things:
 - (1) location of drives, walks, street lighting, water and sewer systems, mobile home plots,
 - (2) location and size of service buildings and areas, recreation buildings and areas,
 - (3) location and type of screening fences or hedges and storage areas,
 - (4) location and number of parking spaces,
 - (5) location and description of any other structure or improvement of the land,
 - (6) topographic features

- (b) Design standards. Minimum plot size for each mobile home shall be determined by the Wake County Health Department after a field investigation. The plot shall be of such minimum size as is necessary for adequate protection of the water supply system and for proper functioning of the individual sewage disposal system. In no case shall a lot with an approved water supply be less than ten thousand (10,000) square feet.
 - (1) Each mobile home shall be located at least twenty-five (25) feet from any other structure, other mobile home, property line, or plot line.
 - (2) Each mobile home plot shall be provided parking spaces for at least two (2) automobiles, covered with gravel or other suitable material, either on the lot or within three hundred (300) feet of the lot.
 - (3) All streets roads, or drives located in the park must have a minimum right-of-way of forty (40) feet and must be covered with material deemed acceptable by the Town of Rolesville.
 - (4) All mobile homes must have direct access through a driveway, private drive, or other public street to a public right-of-way.
 - (5) All streets and private drives more than two hundred fifty (250) feet in length must be lighted at night.
 - (6) All utility lines and wires shall be installed underground.
- (c) Operating Requirements. Each mobile home park shall operate in accordance with the rules and regulations of the Wake County Board of Health and the fire protection agency having jurisdiction of the park.

8.3.6 Use: Shopping centers containing more than five establishments or more than 5,000 square feet

Requirements:

The buildings shall be clustered toward the center or rear of the site with parking and landscaping on the front and outer edges. Except for automobile service stations and financial institutions, the practice of scattering isolated buildings and uses toward and around the edge of the site will not be permitted.

8.3.7 Use: Temporary uses as a special use in all districts

Requirements:

The Board shall consider the effects of the use on adjacent properties and shall set a time limit on the temporary use.

8.3.8 Use: Child Day Care Facility within the Neighborhood Conservation Overlay District

To permit a child day care facility within the Neighborhood Conservation Overlay District after the Board of Commissioners finds the evidence presented by the applicant at the hearing

establishes each of the following, in addition to the General Conditions set out in Section 3.6(b):

- (1) The use will not be injurious to property or improvements in the affected area.
- (2) The structure housing the facility is similar in appearance to the area.
- (3) Sufficient off-street parking shall be provided
- (4) Access to the facility from nearby streets will be adequate based upon the projected number of participants to attend the facility
- (5) The landscaping of facility will adequately blend it into the area, screen its purely functional aspects from the street and absorb and deflect any excessive noise
- (6) No excessive light will be generated at the facility in any manner which will annoy residents in the surrounding structures.
- (7) All requirements of the Neighborhood Conservation Overlay District are met.

8.3.9 Use: Market and sales of produce and seasonal goods

Requirements:

1. The site plan and design must be approved by the Town Board of Commissioners
2. Signage shall be of the monument type and may not exceed twenty (24) square feet in size.
3. The public parking area, if within the R1, C, or CO zoning districts must have impervious asphalt or concrete base. If located within the R40-W or R80-W zoning districts, the public parking area must be of a pervious base such as, but not limited to, permeable concrete or gravel.
4. Exterior light shall be kept to a minimum to ensure safe access to the property. All exterior lighting shall be arranged so that it does not spill over on to adjacent properties.
5. Dumpsters shall be screened with a masonry wall from the view of passing motorists and pedestrians. The height of the screening shall be a minimum height of the waste dumpster.
6. The Town of Rolesville shall have the authority to regulate how much space shall be sub-leased to other farmers and vendors.

8.3.10 Use: Electronic Gaming Operations

Requirements:

1. The days and hours of operation shall be between:
 - a. Monday through Thursday: 7:00 am to 11:00 pm
 - b. Friday through Saturday: 7:00 am to 12:00 midnight
 - c. Sunday: 1:00 pm to 8:00 pm

2. No play on any game shall be allowed during the times when the electronic gaming operations are required to remain closed.
3. All electronic gaming operations shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.
4. No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of the room, so that a clear view of the interior may be had from the street.
5. No loud noises shall be allowed to emanate beyond the licensed premises.
6. There must be an adult, 18 years of age or older, managing the business on the premises at all times during the hours of operation. No patron under 18 years of age is allowed within the establishment.
7. The maximum number of machines/terminals/computers for any electronic gaming operations business is twenty (20)
8. No alcoholic beverages shall be served or consumed on the premises of the electronic gaming operation.
9. The establishment must be a minimum of five hundred (500) feet away from any building used as a dwelling. Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the electronic gaming operation is located.
10. The establishment must be a minimum of one thousand (1,000) feet away from any established religious institution, school, daycare center, library, public park, or recreational area. Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the electronic gaming operation is located.
11. The establishment can be no closer than 1,000 feet of another electronic gaming operation.

Amendments

10/04/04 to entire document; 5/19/09 to §8.1, 8.2, and 8.3.8 through TA09-03; 9/22/09 to §8.3.9 through TA09-08; 4/20/10 to §8.3.10 through TA09-13